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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,801	03/30/2004	Andrew Jones	IP-024525	6031

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INTERNATIONAL PAPER COMPANY
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EXAMINER

RINEHART, KENNETH

ART UNIT PAPER NUMBER

3749

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,801	Applicant(s) JONES, ANDREW	
	Examiner Kenneth B. Rinehart	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1-7 is/are allowed.
 6) ☒ Claim(s) 8,9,11 and 12 is/are rejected.
 7) ☒ Claim(s) 10,13 and 14 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 5/26/05 have been fully considered but they are not persuasive. The applicant argues that Lautenschlager fails to describe a weight sensor attached to each of the first and second support members. The examiner disagrees. Per figures 2 and 3, the reference clearly shows weight sensors (15, fig. 3) attached in the manner claimed. The applicant next argues that a hydraulic cylinder cannot function as a weight sensor cannot function as a weight sensor. The examiner disagrees. As the cited passage clearly shows that it can. The applicant next argues that the weight of the load is sensed at the fuel receiving end of the grate and at the discharge end of the grate, and that the invention “provides a representative virtual two dimension map of the distribution of fuel over substantially the entire fuel-supporting surface of the grate”. It is noted that the features upon which applicant relies (i.e., virtual tow dimensional map, fuel receiving end of the grate, etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. The applicant next argues that Lautenschlager fails to teach or even suggest that “each of the weight sensors provide a visual or other real time representation of the overall weight or distribution of weight of fuel disposed on the grate at any given time”. The examiner disagrees as the cited passage reads on the claim limitation. Regarding claim 9 the applicant argues that Lautenschlager provides no apparent basis for concluding that a person of ordinary skill in the art would be motivated to modify the method described therein so as to arrive at the claimed invention. The examiner disagrees. The knowledge to use one weight sensor as opposed to another is generally available to one of ordinary skill in the art. Moreover, the specification fails to disclose why the claimed load sensors are important or special.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 11, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lautenschlager et al (5398623). Lautenschlager et al shows the steps of disposing a plurality of weight sensors in association with each of the at least first and second support members, said weight sensors being located at spaced apart locations along said support members, remotely from the grate (15, fig. 3), each of said weight sensors generating a real-time signal which is representative of the weight of fuel disposed on the grate adjacent the location of said weight sensor at any given point in time (fig. 3, col. 2, lines 55-61), employing said signal from each of said plurality of weight sensors to provide a visual or other real-time representation of the overall weight or distribution of weight of fuel disposed on the grate at any given time (col. 7, lines 54-61), and including the step of collecting and modulating the output signals from each of said plurality of weight sensors mad producing a further signal suitable for controlling one or more infeeds of fuel onto the grate as a function of the sensed distribution of fuel weight over the lo top surface of the grate (abstract), said signal from each of said plurality of weight sensors is generated real time (fig. 3, col. 7, lines 54-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lautenschlager et al (5398623). Lautenschlager et al (5398623) discloses the steps of disposing a plurality of weight sensors in association with each of the at least first and second support members, said weight sensors being located at spaced apart locations along said support members, remotely from the grate (15, fig. 3), each of said weight sensors generating a real-time signal which is representative of the weight of fuel disposed on the grate adjacent the location of said weight sensor at any given point in time (fig. 3, col. 2, lines 55-61). Lautenschlager et al (5398623) discloses applicant's invention substantially as claimed with the exception of said plurality of weight sensors comprises strain gages or load cells or combinations thereof. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have said plurality of weight sensors comprises strain gages or load cells or combinations thereof because applicant has not disclosed that the type of weight sensor provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the sensor of Lautenschlager or the claimed sensors because both perform the same function of determining weight equally well.

Allowable Subject Matter

Claims 1-7 are allowed.

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Claims 10, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr


KENNETH RINEHART
PRIMARY EXAMINER